

GUERET
Serial No. 09/461,375

Sub D2
Contd

(1) 20 to 60% by weight of the hydrophobic polymer which consists of units derived from monomers selected from C₁-C₂₀-alkyl acrylates, vinyl acetate and acrylic acid,

C
B
Cont

(2) 0.1 to 20% by weight of at least one compound selected from the group consisting of a filler and an essential oil, and

(3) 0.1 to 15% by weight of a keratolytic agent,
said polymer having an adhesiveness of between 150 and 800 g/cm² after evaporation of the said organic solvent.--

REMARKS

Reconsideration is requested.

Claims 2 to 19 are pending. Claim 1 has been canceled, without prejudice. The Examiner has withdrawn claims 10-14 and 16 however the applicants again respectfully request rejoinder once the product claims are found allowable. The Examiner will appreciate the claims which have been withdrawn from consideration are directed to methods involving the composition of claim 18, and, under the circumstances, rejoinder is submitted to be appropriate. See, Notice at 1184 OG 86 (March 25, 1996) and "Training Materials for the Treatment of Product and Process Claims in Light of *In re Brouwer* and *In re Ochiai* and 35 USC §103(b)", U.S. Patent and Trademark Office, Office of Patent Policy Dissemination, Patent Academy, Rev. 7/25/96. The Examiner is requested to allow the applicants an opportunity to amend the method claims, if necessary, to provide for rejoinder and allowance of the same, at the appropriate time.

The Section 112, first paragraph, rejection of claims 1-9, 15 and 17 stated on pages 2-3 of the Office Action dated January 17, 2001 (Paper No. 6), is traversed. Reconsideration and withdrawal of the rejection are requested as the Examiner has not indicated or supported, by reference to scientific or technical literature, how it is "notoriously well known that the type of polymer and relative proportions of the other components in a composition can effect adhesiveness". See, page 3 of Paper No. 6. The Examiner is urged to appreciate that the level of ordinary skill in the present art is quite advanced, and that a specification need not be a technical manual. The applicants have rewritten claim 1 as new claim 18 to include particular organic solvents and it is respectfully submitted that one of ordinary skill could have, with a reasonable amount of experimentation, made and used the claimed invention. The Examiner is urged to appreciate in this regard that the term "filler" is well known in the cosmetic field and is understood to include, for example, any substance which is capable of modifying the surface of the skin in a very short period of time bringing softness to the skin, such as described at page 3, line 35 to page 4, line 1, for example. Fillers are well known in the art. Moreover, one of ordinary skill would have been able to make and use the recited polymer, as claimed. Withdrawal of the Section 112, first paragraph, rejection of claims 1-9, 15 and 17 is requested.

The Section 112, second paragraph, rejection of claims 1-9, 15 and 17 made on page 3 of Paper No. 6, relating to previous comments made in the Amendment filed November 6, 2000, is traversed. The claims are not indefinite for failure to recite the absence of water. One of ordinary skill would understand the metes and bounds of the

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claimed invention and the lack of a specific recitation of the absence of water does not make the claims indefinite. Moreover, the applicants respectfully submit the absence of water in the claimed compositions is obvious in view of the nature of the self-adhesive hydrophobic polymer which must be non-water-swellable. Furthermore, the applicants respectfully submit the definition of the organic solvent medium excludes water. Withdrawal of the Section 112, second paragraph, rejection of claims 1-9, 15 and 17 is requested.

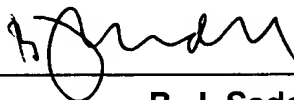
The Section 112, second paragraph, rejection of claims 1-9, 15 and 17 stated in the last paragraph on page 3 of Paper No. 6 is obviated by the above amendments which define the recited polymer as having a linear structure. Withdrawal of the Section 112, second paragraph, rejection of claims 1-9, 15 and 17 is requested.

In view of the above, the claims, as amended, are submitted to be in condition for allowance and a Notice to that affect is requested.

Respectfully submitted,

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MARKED-UP CLAIMS

2. (Amended) A solution as claimed in claim [1] 18 wherein the polymer consists of units derived from monomers selected from C₁-C₂₀-alkyl acrylates, vinyl acetate and acrylic acid.

3. (Amended) A solution as claimed in claim [1] 18 wherein the hydrophobic polymer is present in a proportion of between 20 and 60% of the total weight of the solution.

4. (Twice Amended) A solution as claimed in claim [1] 18 wherein the keratolytic agent is present in a proportion of between 0.1 and 15% of the total weight of the solution.

5. (Twice Amended) A solution as claimed in claim [1] 18 wherein the organic solvent medium is present in a proportion of between 20 and 80% of the total weight of the solution.

6. (Twice Amended) A solution as claimed in claim [1] 18 wherein the filler and/or essential oil are present in a proportion of between 0.1 and 20% by weight, based on the total weight of the composition.

7. (Twice Amended) A solution as claimed in claim [1] 18 which also contains a cosmetically active substance.

9. (Twice Amended) A solution as claimed in claim [1] 18 which also contains a water-absorbing compound.

10. (Twice Amended) A method of preparing a device for instantaneous cleansing and care of the skin comprising adding the solution of claim [1] 18 to said device.

15. (Twice Amended) A patch for instantaneous cleansing and care of the skin, comprising a support impregnated with a sufficient amount of the solution as claimed in claim [1] 18.

16. (Twice Amended) A cosmetic method of cleansing the skin, comprising steps consisting in:

(i) applying, to a support, a sufficient amount of the solution as claimed in claim [1] 18;

(ii) leaving the solvent to evaporate;

(iii) applying the coated support to the parts of the skin to be cleansed, for a period of between about 15 seconds and 20 minutes; and

(iv) removing the support by one of its ends.

17. (Amended) A device comprising the solution of claim [1] 18.